IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

Summons for Judgment NO. 483 OF 2004
IN
Summary SUIT NO. 682 OF 2004

Bobcard Limited . .... Plaintiff
vs.
Aditya N. Ruia ... Defendant

Mukesh Pabani i/b. V.S. Legal Associates for defendant

CORAM: S. U. KAMDAR J.

Date: 28/9/2005

P.C.

1. The Summons for Judgment has been duly served on the defendant. No affidavit in reply has been filed. The Summons for Judgment is filed on the basis of the claim arising out of credit card issued by the Plaintiffs pursuant to an application made by the defendant. The credit card number is 4423 7800 0313 8003 dated 1/12/1998. The original claim amount is Rs.55,117.84. The principal amount is Rs.20,206.66.

2. Originally the suit was decreed by order dated 30th April 2004, in view of the fact that the defendant had not filed vakalatnama. Thereaftr the defendant took out an application for setting aside the

order. The application was granted and thereafter the defendant had filed affidavit in reply to the present Summons for Judgment. The matter was on Board yesterday. None appeared for the defendant. Accordingly I directed to serve the notice. Inspite of notice nobody is appearing for the defendant. In view of the aforesaid defendant's case has gone unrepresented.

3. I have perused the affidavit in reply filed. There is no defence whatsoever. It is the case of the defendant that the credit card which was issued by the company though in the name of the defendant was in fact issued as a Corporate card. There is no merit whatsoever in the said defence. In this view of the matter there shall be a decree in favour 2o Plaintiff and against the defendant for sum of Rs.55,177.84 with furthr interest at the rate of 12# per annum on the principal amount of Rs.20,206.66.

No order as to costs.

(S. U. KAMDAR J.)

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